

105TH CONGRESS
2D SESSION

S. 1686

To amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 1998

Mr. HUTCHINSON (for himself, Mr. DEWINE, and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Hearing Act”.

5 **SEC. 2. REPRESENTATIVES AND ELECTIONS.**

6 Section 9(c) of the National Labor Relations Act (29
7 U.S.C. 159(c)) is amended by adding at the end the fol-
8 lowing:

1 “(6) If a petition for an election requests the Board
2 to certify a unit which includes the employees employed
3 at one or more facilities of a multi-facility employer, and
4 in the absence of an agreement by the parties (stipulation
5 for certification upon consent election or agreement for
6 consent election) regarding the appropriateness of the bar-
7 gaining unit at issue for purposes of subsection (b), the
8 Board shall provide for a hearing upon due notice to deter-
9 mine the appropriateness of the bargaining unit. The
10 Board shall consider factors, including functional integra-
11 tion, centralized control, common skills, functions and
12 working conditions, permanent and temporary employee
13 interchange, geographical separation, local autonomy, the
14 number of employees, bargaining history, and such other
15 factors as the Board considers appropriate.”.

○